IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7944 of 2000

Dated:06.06.2007

Between

Pathipati Leelavathamma and another.

..... Petitioners

And

The District Collector, Chittoor
District, Chittoor and another.

.....Respondents

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7944 of 2000

ORDER:

This writ petition is filed seeking to issue a writ of *mandamus* declaring the action of the respondents in not referring the claim of the petitioners to the Civil Court for enhancement of compensation pursuant to the representation of the petitioners, dated 28.04.1998, in respect of Award dated 26.03.1998, as illegal and arbitrary and consequently, direct the respondents to refer the claim of the petitioners to a competent civil Court for correct determination of compensation payable to them.

The facts of the case, shorn of unnecessary details, are that the petitioners are the pattadars of land to an extent of Ac.5.15 cents in Sy.No.948/2B and an extent of Ac.3-19 cents in Sy.No.47/4B situated in Gadanki Village. The petitioners state that the first respondent illegally took over the possession of the said land in the year 1987 to construct a tank across Pathikonda vanka near Gadanki Village. Thereafter, pursuant to the judgment, dated 03.03.1994, passed in O.S.No.80 of 1998 by learned District Munsif, Pakala, draft notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'), dated 12.03.1996, was published in the gazette for acquisition of the said land. On receipt of inquiry notices, the petitioners appeared before the second respondent-Land Acquisition Officer and filed their objections, and the Land Acquisition Officer, after conducting enquiry passed Award No.3/1998, dated 26.03.1998, awarding compensation of Rs.30,000/- per acre for the acquired land. The petitioners received the said compensation under protest and made representation to the respondents seeking to refer the matter to a competent civil Court under Section 18 of the Act for enhancement of the compensation.

The grievance of the petitioners is that despite their representation dated 28.04.1998 and several other

personal representations, the respondents have not referred the matter to a competent civil court under Section 18 of the Act. Hence, the present writ petition.

Heard learned counsel appearing for the petitioners. Despite service of notices on the respondents, they have not chosen to file counter-affidavit. Hence, this Court has no option but to accept the contentions put forth by learned counsel for the petitioners.

Evidently, the land belonging to the petitioners was acquired by the Government and the Land Acquisition Officer, after conducting an enquiry, passed an award on 26.03.1998, awarding compensation of Rs.30,000/- per acre for the acquired land. The petitioners received the said compensation on 14.04.1998 under protest and subsequently, made a representation, dated 28.04.1998, to the respondents seeking to refer the matter to a competent civil Court as provided under Section 18 of the Act.

From the above, it is clear that the petitioners made representation to the respondents seeking to refer the matter to a competent civil Court for correct determination of compensation payable to the petitioners in respect of the acquired land within the stipulated time as provided under Section 18 of the Act, but for the reasons best

known to the respondents, they have not referred the matter to a competent civil Court. This inaction on the part of the respondents is not tenable.

Accordingly, the writ petition is allowed and the respondents are directed to refer the claim of the petitioners to a competent civil Court as provided under Section 18 of the Act, for proper adjudication of the matter, forthwith. There shall be no order as to costs.

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06.06.2007

DR